

AMENDED IN ASSEMBLY MARCH 24, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

Assembly Concurrent Resolution

No. 115

Introduced by Assembly Member Anderson

(Coauthors: Assembly Members Adams, Aghazarian, Beall, Benoit, Berryhill, Blakeslee, Cook, DeVore, Duvall, Emmerson, Fuller, Gaines, Garcia, Garrick, Horton, Houston, Huff, Jeffries, Keene, La Malfa, Maze, Nakanishi, Parra, Plescia, Sharon Runner, Silva, Smyth, Spitzer, Strickland, Tran, Villines, and Walters)

(Coauthors: Senators Ashburn, Battin, Cogdill, Denham, Dutton, Harman, Hollingsworth, Margett, McClintock, and Runner)

March 10, 2008

Assembly Concurrent Resolution No. 115—Relative to home schooling.

LEGISLATIVE COUNSEL'S DIGEST

ACR 115, as amended, Anderson. Home schooling.

This measure would acknowledge the long and rich history of private home schooling in California and call upon the California Supreme Court to reverse the opinion of the California Court of Appeal for the Second Appellate District in Los Angeles in the case of *In re Rachel L.* that home schooling without a teaching credential is not legal.

Fiscal committee: no.

- 1 WHEREAS, Some 30 years of experience with the modern
- 2 home schooling movement in California demonstrates that
- 3 home-school graduates take up responsible positions as parents,
- 4 as students in and graduates of colleges and universities, in the
- 5 workplace, and as citizens in society at-large; and

1 WHEREAS, Home schooling by California families with diverse
2 backgrounds has historically given children a quality education
3 through proven, independent approaches that nurture valuable
4 family bonds and support successful pupil development; and

5 WHEREAS, Private home schooling has a long and rich history
6 in the State of California, and is currently estimated as involving
7 200,000 pupils in the state and 2,000,000 pupils nationwide; and

8 WHEREAS, The United States Supreme Court has ruled that
9 parents have a fundamental constitutional right to direct the
10 education and upbringing of their children (*Wisconsin v. Yoder*
11 (1972) 406 U.S. 205, *Pierce v. Society of Sisters* (1925) 268 U.S.
12 510, and *Meyer v. Nebraska* (1923) 262 U.S. 390); and

13 WHEREAS, On February 28, 2008, the California Court of
14 Appeal for the Second Appellate District in Los Angeles issued
15 an opinion in the case of *In re Rachel L.*, 2008 Cal.App. Lexis 292
16 (Cal.App.2d Dist. Feb. 28, 2008) holding that home schooling
17 without a teaching credential is not legal; and

18 WHEREAS, This misguided interpretation denies California
19 parents their primary responsibility and right to determine the best
20 place and manner of their own children's education; and

21 WHEREAS, The fair opportunity of California families to
22 educate their children should not be undermined; now, therefore,
23 be it

24 *Resolved by the Assembly of the State of California, the Senate*
25 *thereof concurring*, That the Legislature hereby calls upon the
26 California Supreme Court to reverse the opinion of the California
27 Court of Appeal for the second Appellate District in the case of
28 *In re Rachel L.*, that home schooling without a teaching credential
29 is not legal; and be it further

30 *Resolved*, That the Chief Clerk of the Assembly transmit copies
31 of this resolution to the author for appropriate distribution.